



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

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Ser DNS-36JP/15U107204

September 8, 2015

Sent via email to: jasonleopold@gmail.com

Mr. Jason Leopold
Investigative Reporter
VICE News

Dear Mr. Leopold,

This is an interim response to your Freedom of Information Act (FOIA) request dated August 22, 2014. Your request was received in our office on the same day, and was assigned case number **DON-NAVY-2014-009024**.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA (See 5 U.S.C. § 552(c)). This response is limited to records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

DoD Issuances are publicly available at <http://www.dtic.mil/whs/directives/corres/publ.html>. DON Issuances are publicly available at <http://doni.daps.dla.mil/default.aspx>. DON Issuances are organized by Standard Subject Identification Code (SSIC), which are explained in SECNAV M-5210.2, "Department of the Navy Standard Subject Identification Code (SSIC) Manual". The DON SSIC for Security is the 5500 series, with the 5510 series specifically concerning Information Security, and 5511 specifically concerning Classified Material Control.

Of specific consideration with regard to the subject matter of your request is DoDM 5200.01, which encompasses the entire DoD Information Security Program. Volume 3, Enclosure 6, section 7 specifically addresses the concern of (potentially) classified information appearing in the public media. Copies of the applicable pages are enclosed. Per this manual, it is DoD policy that DoD personnel will neither confirm nor deny the accuracy or authenticity of any "leaked" information.

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September 9, 2015

A search for responsive records identified, in addition to the applicable DoD and DON Issuances, ALNAV 55-10, which is publicly available at <http://www.public.navy.mil/bupers-npc/reference/messages/Documents/ALNAVS/ALN2010/ALN10055.txt>, and an April 7, 2011 Memorandum from the Undersecretary of the Navy to the Secretary of Defense, with the subject "Army Review of the Compromise of Classified Information to Wikileaks". The memorandum discusses specific measures taken to prevent compromise of classified information, and is therefore undergoing further review to determine releasability. We anticipate completion of this review no later than September 18, 2015.

Questions regarding the action this office has taken during the initial processing of your request may be directed to our FOIA service center at (202) 685-0412.

Sincerely,



Robin Patterson

Head, DON FOIA/PA Program Office

(4) The investigation should be accomplished promptly following appointment of the investigating officer. The results of the investigation shall be documented in writing. The format in Appendix 1 to this enclosure may be used.

7. INFORMATION APPEARING IN THE PUBLIC MEDIA

a. If classified information appears in the public media, including on public Internet sites, or if approached by a representative of the media, DoD personnel shall be careful not to make any statement or comment that confirms the accuracy of or verifies the information requiring protection. Report the matter as instructed by the appropriate DoD Component guidance, but do not discuss it with anyone who does not, in the case of classified information, have an appropriate security clearance and need to know.

b. If the fact of an unauthorized public disclosure becomes widely known, the Component senior agency official should consider whether the workforce needs to be reminded of actions to be or not to be taken by individuals in response to the disclosure. Reminders may include such topics as not viewing or downloading the classified information from unclassified IT systems, not confirming the accuracy of the information, and providing a point of contact for media inquiries.

c. Notifications of unauthorized disclosures of classified information in the public media required by subparagraph 3.f.(1)(b) of this enclosure shall include the information specified in subparagraphs 7.c.(1) through 7.c.(7). Initial notifications providing basic information about the incident and a point of contact should be made as quickly as is feasible; complete information should be provided subsequently.

(1) Date, location, and author of the public media item.

(2) Specific information disclosed and its classification level.

(3) Identification of the OCA.

(4) The extent to which the disclosed information was circulated, both within and outside the Department of Defense, and the number of persons known to have had access to the information.

(5) An appraisal of or statement regarding the damage to national defense and/or national security programs caused by the disclosure.

(6) A statement of whether any investigative leads exist and what additional actions, if any, are contemplated (i.e., no further action; administrative investigation by the DoD Component; referral to the cognizant DCIO for criminal investigation; or a request for USD(1) referral to DoJ for investigation).

(7) Point of contact for further information.

d. When notified of a suspected compromise of classified information through the public media, the USD(I) shall, unless already done by the reporting DoD Component, consult with the Assistant Secretary of Defense for Public Affairs and other officials having a primary interest in the information to determine if the information was officially released under proper authority.

e. When responsibility for an inquiry into an unauthorized public media disclosure is unclear or is shared equally with another DoD Component, refer the matter through security channels to the USD(I) who shall decide investigative responsibility in consultation with the affected DoD Components.

f. The decision on whether to initiate an additional investigation by a DCIO or by the Federal Bureau of Investigation through a referral to the DoJ shall be based on the following factors:

(1) The accuracy of the information disclosed.

(2) The damage to national security caused by the disclosure and whether there were compromises regarding sensitive aspects of current classified projects, intelligence sources, or intelligence methods.

(3) The extent to which the disclosed information was circulated, both within and outside the Department of Defense, and the number of persons known to have access to it.

(4) The degree to which an investigation shall increase the damage caused by the disclosure.

(5) The existence of any investigative leads.

(6) The reasonable expectation of repeated disclosures.

g. If the DoD Component's initial inquiry or investigation or a DCIO investigation identifies the person(s) responsible for an unauthorized disclosure of classified information via the public media or Internet, the DoD Component shall notify the Director of Security, OUSD(I). This notification shall include responses to the DoJ Media Leak Questionnaire (see Appendix 2 of this enclosure). The USD(I), in coordination with the General Counsel of the Department of Defense (GC, DoD) and the Head of the DoD Component having OCA, shall decide whether additional investigation is appropriate and whether to refer the unauthorized disclosure to the DoJ for investigation and/or criminal prosecution. When the initial inquiry or investigation does not identify the person responsible, the Head of the DoD Component, in consultation with the USD(I) and the GC, DoD, shall decide if further investigation is appropriate.

8. RESULTS OF INQUIRIES AND INVESTIGATIONS